

public comment BOS Recd
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 Outlook

Comment for 4-21-2026 Board of Supervisors agenda item File #26-0469, JPA

From Lime Parfait <limeparfait@gmail.com>
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To BOS-Clerk of the Board <edc.cob@edcgov.us>

 1 attachment (25 KB)

Letter to El Dorado County Board of Supervisors, 4-20-2026 for agenda item on JPA.docx;

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Board of Supervisors and Clerk,

Please find my comments on the JPA agenda item #26-0469 attached for your consideration. I appreciate the opportunity to be involved in this discussion.

Thank you very much.

Emmett Cartier

From: Emmett Cartier

To: El Dorado County Board of Supervisors

Subject: Comments on File #26-0469, April 21, 2026 relating to the JOINT POWERS AGREEMENT between CALIFORNIA DEPARTMENT OF PARKS AND RECREATION and EL DORADO COUNTY for ADMINISTRATION OF WHITEWATER CONCESSION CONTRACTS ON THE SOUTH FORK OF THE AMERICAN RIVER at MARSHALL GOLD DISCOVERY STATE HISTORIC PARK AND FOLSOM LAKE STATE RECREATION AREA

Dear Board of Supervisors:

I respectfully offer the following comments on the proposed Joint Powers Agreement (JPA) between El Dorado County and California Department of Parks and Recreation (State Parks):

1. Approval of the U.S. Bureau of Reclamation (Reclamation) is not evident but required for subcontracts including the 'JPA' between El Dorado County and California Department of Parks and Recreation (State Parks) See the [Bureau of Reclamation](https://www.usbr.gov/mp/nepa/nepa_project_details.php?Project_ID=43604) web pages or https://www.usbr.gov/mp/nepa/nepa_project_details.php?Project_ID=43604 for a list of CECs or other NEPA reviews that have been completed or in progress for Central California Area Office. The 2012 Managing Partner Agreement (MPA) with Reclamation (MPA) generally requires federal oversight for major changes in management. Without formal written approval and NEPA documentation for the JPA itself, the agreement remains vulnerable to legal challenges if it is found to exceed the scope of the original 2012 MPA. If the 2019 JPA was never formally approved by Reclamation, it exists in a legal gray area where it may be binding between the County and State Parks but could be deemed voidable by the federal government at any time. The MPA text incorporates its referenced Exhibits A through H into the agreement, which may be obtained for reference as needed.
2. In the legal hierarchy governing federal lands at Folsom Lake State Recreation Area (FLSRA), the 2012 MPA takes legal precedence over any local or state-level JPA. Under federal law such as 16 U.S.C. § 460l-32, state or local agreements cannot override the terms of a federal management contract on federal land.
3. Per the 2012 MPA with Reclamation, State Parks is responsible for ensuring all activities—including those subcontracted—adhere to federal laws. If the County fails to remit or report correctly, the legal liability rests with State Parks under its direct grant agreement with the BOR.
4. The 2012 MPA mandates that fees collected on Folsom Lake federal lands be retained and used for the operation and maintenance of those specific federal lands. A JPA that redirects these federal revenues to a County's general fund or state accounts without referencing federal cost-sharing could be viewed as a breach of the MPA's financial requirements.
5. Without federal approval and the corresponding NEPA (National Environmental Policy Act) documentation, the 2019 JPA faces several risks enforcement limits. E.g., if El Dorado County

attempts to enforce fee collection or regulations on federal land based on an unapproved JPA, that enforcement could be challenged in court as lacking federal jurisdiction.

6. Chronic failure by State Parks to adhere to the MPA's subcontracting and revenue-sharing rules provides the BOR with grounds to terminate the recreation management agreement and resume direct federal control of Folsom Lake.
7. 43 CFR Part 423: Public Conduct on Reclamation Lands is the primary set of rules for anyone on Reclamation property. If a non-federal entity (like El Dorado County) manages these lands, they must still enforce these standards: General Rules (§ 423.20): All visitors must obey applicable Federal, State, and local laws. However, federal rules take precedence if there is a conflict; Interference with Agency Functions (§ 423.22) - It is prohibited to interfere with any government employee or agent (including County staff if they are acting under an authorized federal agreement); Vessel Standards (§ 423.39) - All watercraft must comply with Title 46 of the U.S. Code and U.S. Coast Guard safety requirements.
8. 43 CFR Part 429: Use of Reclamation Land and Facilities governs the "possession or occupancy" of federal land, which is critical for any third-party management: Written Authorization Required (§ 429.1) - Any commercial activity, organized sporting event, or public gathering requires a written use authorization from Reclamation; Revenue Management (§ 429.5) - Managing partners (like State Parks) may issue limited use authorizations to third parties (like the County) only if their contract with Reclamation allows it and all revenues are handled according to federal statutory and policy requirements.
9. Federal Fee and Revenue Requirements in § 423.21 provide that visitors are legally required to pay fees established by Federal, State, or local government recreation management entities, but these fees must be authorized under a valid management agreement with the BOR. It is not apparent that the fees and sharing proposed in the JPA have been approved by Reclamation under the MPA and CFR.
10. NEPA and Environmental Compliance is a mandatory review for any "use authorization" for activities on federal land—including a management transfer via a JPA. Environmental compliance needed includes the National Environmental Policy Act (NEPA) and the Endangered Species Act. Reclamation is required to collect administrative costs for evaluating and documenting these environmental reviews before an authorization can be issued.
11. Under the 2012 MPA and associated Reclamation policies, State Parks is subject to strict financial and operational reporting requirements for all activities on federal lands at Folsom Lake. The following requirements apply to any revenue collected by a third party, such as El Dorado County under a JPA. Mandatory local retention of fees - a cornerstone of the 2012 MPA - means that all fees collected at Folsom Lake State Recreation Area (SRA) must be retained locally to offset the costs of operation, maintenance, and facility repairs for that specific unit. Diversion of these funds to a County's general fund or a State Parks general account without direct reinvestment into the Folsom Lake federal estate would likely constitute a breach of the MPA.

Per Reclamation Manual LND 04-01, any fees deemed "excess" or profit after operational costs are met must generally be returned to the BOR.

12. State Parks is required to submit an annual Recreation Use Data Report to the BOR. This report must include: Financial data detailing the accounting of all revenues generated from recreation and concession operations on the federal estate; data specifically regarding the managing partner's concession operations and any third-party agreements (like the JPA with El Dorado County); an accurate inventory of all facilities managed under the agreement.
13. Reclamation retains ultimate responsibility for management oversight of its managing partners and their sub-agreements. Any third-party contract or JPA must meet federal Agreement Standards to be valid. Reclamation reserves the right to audit the financial records of the managing partner (State Parks) to ensure compliance with federal fee-retention laws.
14. Even if El Dorado County collects the fees, the 2012 MPA identifies **State Parks** as the sole entity responsible for the administration and development of recreation at Folsom Lake. Under the MPA and Reclamation Manual LND 04-02, State Parks is prohibited from delegating its management authority without express written consent. Federal law 43 CFR § 429.5 explicitly limits what a managing partner can delegate. Any authorized third-party permit must be fully revocable at the discretion of Reclamation. If the County's JPA claimed permanent or indefinite management rights over the river corridor, it violated this federal section.
15. State Parks sent an email to whitewater boating concessions stating that there was an administrative error in the river use permits, and the County of El Dorado refunded about \$300 for each outfitter for its seasonal fees and advised each outfitter to instead pay any concessions fees for whitewater boating special uses of the federal lands at Folsom Lake (at least) to State Parks for now. The County also admitted to an "administrative error" regarding these specific fees and refunded annual river permit fees to outfitters, who would then pay State Parks instead.
16. State Parks issued 2019 concessions contracts to outfitters on the South Fork American River that remain under month-to-month holdover. How both state and county permits and administration would apply under the JPA remains unclear and the state (and federal) concession rules are probably unenforceable for the County.
17. State Parks notified outfitters in 2019 and again in 2026 that it would change to an RFP system to comply with PRC 5080, which is expected to be completed in the next year. This RFP implementation period overlaps the term of the JPA and creates obvious conflicts in administration and authorities among the responsible agencies and concession companies.
18. The agreement must explicitly meet all Federal Concessions Management Directives and Standards. Since the 2019 JPA did not include these specific federal clauses, it is considered non-compliant and invalid on federal land.
19. Lapses in necessary interagency coordination have followed the JPA process throughout the dates of County approvals to date, including: June 18, 2019 (Item 19-0941), the original meeting

where the Chief Administrative Office (CAO) recommended the Board approve and authorize the Chair to sign the Joint Powers Agreement with the California Department of Parks and Recreation for whitewater recreation management; March 19, 2024 (Item 24-0459), when the Board met to approve the extension of the JPA for an additional three-year term (the current extension that has been approved by the County but has been awaiting final action from State Parks); August 13, 2024 (Item 24-1241), with recent discussion regarding Parks and Trails and potential "administrative updates" to fee structures and management within the Folsom Lake area; January 7, 2020 (Item 19-1794), for follow-up discussion where the Board revised the River Trust Fund and operating budgets specifically to account for new revenue streams anticipated under the JPA; March 25, 2025 (Item 25-0377), when the Board received a presentation on the updated Parks and Trails Master Plan including the long-term strategy for "incorporating parks and trails with lakes and public lands" at Folsom Lake.

20. The complexity of [navigating partnerships](#) between the BLM, County, and State Parks is a recurring theme in public testimony. In this case, Reclamation has not actually been mentioned as a partner or land owner along the river corridor in the RMP versions or the 2001 FEIR. This oversight shows a need to revisit the planning process in a more collaborative manner going forward.

Specific comments on the JPA:

1. Recital 1 - The 2012 MPA between Reclamation and State Parks requires specific approval by Reclamation to be valid.
2. Recital 2 – Under the 2012 MPA, Reclamation rights reserved to the federal acquired property at Folsom Lake include plenary land management rights and responsibilities that are substantially more extensive than just the stated on Lines 38-40 limited rights: “BOR reserves the right to close any portion of its property, as shown in Exhibit A, if such restriction is necessary in the interest of project operation, public safety or national security.” Especially, the Code of Federal Regulations (CFR) applies to all recreation and concessions on the Folsom Lake lands and State Parks committed to enforce CFR. While a JPA is a legal state entity, the Supremacy Clause of the U.S. Constitution dictates that federal law overrides state law on federal property.
3. For line 3 in Page 5 of 22 of the JPA: federal NEPA means the ‘National Environmental Policy Act’, not a ‘National Environmental Protection Act’.
4. JPA normally means Joint Powers Authority rather than Joint Powers Agreement per Government Code §6500 et seq.

Thank you very much for your consideration.

[signed]

Emmett Cartier